

REMARKS

This Amendment is in response to the Office Action dated January 25, 1996, in which pending claims 2-12, 14-26, 31-36, and 40-41 were rejected 35 U.S.C. §103. Applicant petitions for an extension of time under 37 CFR 1.136 for a one month period extending the deadline for submission of this amendment from April 25, 1996, to May 25, 1996. Applicant authorizes that the appropriate fee for the extension of time be charged to deposit account 02-2053.

A telephone interview was conducted on May 16, 1996, between attorney for Applicant and Examiner Hong. During the interview, it was agreed to amend the independent claims to clarify why the recited program materials are separated into primary and secondary layers, and to clarify that subjective quality standards are based on user feedback. Attorney for Applicant thanks Examiner Hong for offering his helpful amendment suggestions in order to facilitate allowance of the present application.

In the Office Action dated January 25, 1996, the Examiner objected to the amendment filed September 15, 1995, for introducing new matter into the specification. Although it is believed the prior amendment did not introduce new matter, but merely clarified certain operations of the multimedia system, the passages cited by the Examiner in the prior amendment have been canceled. The amendments to the specification made in the prior amendment that could not be entered due to typographical errors

were corrected in a supplemental amendment filed September 27, 1995.

The Examiner rejected Claims 2-10, 12, 15, 17 23-26, 31-36, and 40-41 under 35 U.S.C. §103 as obvious over U.S. Patent No. 5,220,420 issued to Hoarty et al., in view of U.S. Patent No. 4,897,867 issued to Foster et al. Claims 14 and 18-22 were rejected under §103 as obvious over Hoarty and Foster, in view of Glick, and claims 11 and 16 were rejected under §103 as obvious over Hoarty and Foster, in view of Wilson.

As suggested by the Examiner, claim 40 has been amended to clarify why the program materials are separated into primary and secondary layers using psychographic parameters to differentiate between important and less important multimedia information. More specifically, the program materials are separated into primary and secondary layers so that the primary layers may be enhanced to provide a perceived improvement in the quality of the information presented to a user, and so that at least a portion of the optimized program materials may be compressed to reduce the bandwidth required to transmit the optimized program materials.

As also suggested by the Examiner, claim 41 has been amended to clarify that the subjective quality standard used to enhance the layers is controlled by user feedback. Independent claim 31 and dependent claim 2 have been amended in a similar fashion.

It is submitted that a combination of Hoarty and Foster would fail to teach or suggest the features of the claimed

invention. A combination of Hoarty and Foster would result in a system wherein Hoarty's distributed system is used to provide multimedia data to user's home. Commercials, which are interspersed in the data, are routed to classes of customers based on demographics. Using the system of Foster, a user's telephone call can then be routed to the appropriate advertiser who then abandons normal call processing, collects the order, and activates an input/output processor for delivery.

It is respectfully submitted that Hoarty and Foster, singularly or in combination, fail to teach or suggest the features of amended claim 40. For example the combination fails to teach 1) separating the information into primary and secondary layers using "psychographic parameters," 2) enhancing the primary layers "to provide a perceived improvement in the quality of the information when presented to a user", and 3) compressing at least a portion of the optimized program materials "to reduce the bandwidth required to transmit the optimized program materials."

To support the contention that Hoarty teaches separating information into primary and secondary layers using psychographic parameters to differentiate between important and less important multimedia information, the Examiner cited Webster's Dictionary in the Office Action for the meaning of psychographic.

It is respectfully submitted, however, that an inventor is entitled to be his or her own lexicographer. Psychographic parameters are defined in the Specification as parameters that relate to an individual's sensory perceptions when encountering

multimedia information. In the instance of video images, for example, the foreground and background information might be divided into different layers. Similarly, in the case of audio information, the news information, weather information, or the like may be one layer whereas the background music may be the other layer. In the present invention, these layers are divided into primary and secondary layers in accordance with the information's importance relative to the program model (see Specification at pgs. 9-11).

The meaning of psychographic parameters in the Specification is vastly different than a psychological or profile of an individual or group, as defined in Webster's Dictionary, or the demographic data used in Hoarty. Since the definition of psychographic parameters in the Specification is inconsistent with the dictionary definition, the definition in the Specification is what should be used to interpret the meaning of the claims.

Referring to amended claims 2, 31, and 4, it is also submitted that the combination of Hoarty and Foster fail teach enhancing the layers through selective use of an "objective quality standard" that includes metrics of the quality of the layers, and "a subjective quality standard that is controlled by user feedback." As stated on page 17 of the Specification, enhancements in the context of the present application is information that is not transmitted but operates on, operates in conjunction with, or operated as a supplement to transmitted

multimedia information. Through these enhancements, a user may interactively modify the perceived quality of the provided information, as explained on pages 23 and 24 of the Specification.

The remarks made in the amendment filed September 15, 1995 in support of non-obviousness of claims 40, 41, and 31 as well as the remaining dependent claims are herein incorporated by reference. In view of the foregoing, it is submitted that the claims in the application are patentable over Hoarty and are in condition for allowance. Reconsideration of the rejections and objections is requested.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,



Stephen G. Sullivan
Attorney for Applicants
Reg. No. 38,329
(415) 493-4540